

hardship on guests staying at the hotel; and (d) the exception would be contrary to the Comprehensive Plan.

18. In addressing the concerns raised by the opposition and the conditions recommended by the Office of Planning, the Board finds that the proposed special exception for a change of nonconforming use represents a de-intensification of the existing C-2 use to a use first permitted in the C-1 District. The Board is persuaded that the applicant has demonstrated substantial compliance with the provisions of Section 2003.1 that the proposed use, as described, represents a neighborhood facility, and that approval of the application, as hereinafter conditioned, will not have an adverse impact on the immediate area.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing of substantial compliance with the criteria of Section 2003.1 and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met the burden of proof. The structure is commercial in appearance and has been used as a tire and battery service facility which is first permitted in the C-2 District for many years. The proposed use is first permitted in a C-1 District. The proposed use will be a neighborhood facility. The applicant is providing substantially more on-site parking than is required by the Zoning Regulations. Deliveries will take place at the existing loading dock at the rear of the building. The Board concludes that the concerns raised by the opposition related to the proposed use of the premises would apply to the continuance of the existing use or any of the uses which would be permitted as a special exception under Section 2003.1 at this site. The Board further concludes that, as hereinafter conditioned, the granting of the requested relief will not adversely affect the use of neighboring property and will be in harmony with the general purpose and intent of the Zoning Regulations. The Board has accorded to the ANC the "great weight" to which it is entitled.

Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS.
2. The number of employees shall not exceed thirty.

3. The direct rays of all exterior lighting shall be confined to the surface of the lot.

VOTE: 3-0 (Paula L. Jewell, William F. McIntosh, and Carrie L. Thornhill to grant, Charles R. Norris not present not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT



Edward L. Curry
Executive Director

FINAL DATE OF ORDER: NOV 10 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14827/BHS